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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Saito et al.	**Group No.:**	2623
Serial No.:	09/367,630	**Atty. Docket No.:**	3045-1222 (53045/1222)
Filed:	August 19, 1999		
For:	Lock And Switch Using Pressure-Type Fingerprint Sensor	**Examiner:**	Ahmed, Samir Anwar

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Commissioner of Patents and Trademarks
Washington, DC 20231

RESPONSE TO RESTRICTION REQUIREMENT

In response to the restriction requirement dated September 24, 2002, Applicant hereby submits the following election with traversal.

In the restriction requirement, election is requested to one of the following claim groups:

Group I: Claims 11-17, 19-24, 31, 34-35, 38-39, and 42-49;
Group II: Claims 32 and 36;
Group III: Claims 33 and 37; and
Group IV: Claim 40

Applicant hereby elects the claims of **Group I** (claims 11-17, 19-24, 31, 34-35, 38-39, and 42-49) with traversal. The reasons for Applicant's traversal are set forth below.

MPEP §803 (entitled "Restriction – When Proper) states that "[u]nder the statute an application may be restricted to one of two or more claimed inventions only if they are able to support separate patents and they are either independent (MPEP §806.04-§806.04(i)) or distinct (MPEP §806.05-§806.05(i)). ***If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.***" (See MPEP §803 (emphasis added)). "There must be a serious burden on the examiner if restriction is required." (Id.)

Applicant respectfully submits that a serious burden does not exist. First, claims 32 and 36 (Group II) have been present in the application since the submission of the preliminary amendment with the CPA filing on November 21, 2001. Claims 32 and 36 were initially submitted in dependent form (depending on claims 11 and 19 respectively in the November amendment). In the last amendment dated August 14, 2002 (which resulted in the present restriction requirement), Applicant essentially amended claims 32 and 36 into independent format by expressly incorporating the limitations of claims 11 and 19 respectively. As such, the subject matter of claims 32 and 36 have already been the subject of search and examination (culminating in the February 2002 Office Action), and no additional burden is created through their continued examination. The August 2002 amendment of claims 32 and 36 merely rewrote those claims in independent form and their continued examination is not a serious burden given that have already been the subject of search and examination.

Second, the same can be said for claims 33 and 37 (Group III). Claims 33 and 37 have been present in the application since the submission of the November preliminary amendment together with the CPA filing (at that time they were filed as dependent claims from claims 11 and 19 respectively). In the August 2002 amendment, Applicant essentially amended claims 33 and 37 into independent form by expressly incorporating the limitation of claims 11 and 19 respectively. Therefore, as with claims 32 and 36, the subject matter of claims 33 and 37 have already been the subject of search and examination (see February 2002 Office Action), and their continued examination does not constitute a serious burden.

Third, as for claim 40 (Group IV), current claim 40 represents the addition of the limitations of previous claim 41 (first presented in the November 2002 amendment) to previous claim 40. Current claim 40 also includes a portable key unit limitation added by the August 2002 amendment. Given that claims 40 and 41 have already been the subject of search and examination, and that the portable key unit limitation has already been the subject of search and examination, Applicant respectfully submits that continued search and examination of claim 40 does not constitute a serious burden.

Lastly, the claims of Group I also set forth subject matter that has been present in the claims of the application since the November 2001 amendment. Because that

subject matter has already been the subject of search and examination, the continued examination of these claims would not constitute a serious burden.

Favorable action is respectfully requested.

Respectfully submitted,

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/367,630
Filing Date	August 19, 1999
First Named Inventor	Saito et al.
Group Art Unit	2623
Examiner Name	Ahmed, Samir Anwar
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ENCLOSURES *(check all that apply)*

- ☐ Charge Deposit Account –20-0823
 - ☐ Fee Attached
- ☐ Amendment / Reply
- ☐ Affidavits/declarations(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts Incomplete Application
- ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Petition For Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b))
- ☐ Assignment Papers *(for an Application)*
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
- ☐ After Allowance Communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group *(Appeal Notice, Brief, Reply Brief)*
- ☐ Proprietary Information
- ☐ Status Letter
- ☐ Request To Rescind Previous Nonpublication Request
- ☒ Response to Restriction Requirement
- ☐ Other Enclosure(s) *(please identify below)*:

Remarks: ☒ Commissioner is hereby authorized to charge fees in this application and any fees which may be required, or any overpayment, to Deposit Account 20-0823. I have enclosed a duplicate copy of this sheet

☐ Amount:____

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	Benjamin L. Volk, Jr.
Signature	B. L. Volk, Jr.
Date	October 24, 2002

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231. date: October 24, 2002

Typed or printed name	Benjamin L. Volk, Jr.		
Signature	B. L. Volk, Jr.	Date	October 24, 2002

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